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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,006	03/06/2001	James C. Rush	STE01 P-1086	5256

277 7590 01/28/2003

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/800,006

Applicant(s)
JAMES C. RUSH ET AL.

Examiner
YVONNE M. HORTON

Art Unit
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 4, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-45, and 48-50 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-44 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 23-27, and 45 is/are rejected.
- 7) ☒ Claim(s) 6-22, 28, 29, and 48-50 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Withdrawal of Allowable Subject Matter

1. The indicated allowableness of claim 5 is withdrawn in view of a more extensive review of the reference(s) to DWILLIES. Rejections based on the newly cited reference(s) follow.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "central portion" of the elongate T-portion must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Ref #6 pg 12 lines 1-22

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 5-22 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 5-22 depend directly or indirectly from claim 4. However, claim 4 has been canceled as per the amendment dated 11/4/02. Until further clarification claim 5 is being examined as depending from claim 1, with claims 6-22 remaining dependent as indicated. Correction is required.

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Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1,5,23-26 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #5,277,512 to DWILLIES. DWILLIES discloses a furniture system including a plurality of overhead beams (10,11,50), a plurality of vertical posts (12,13,30) having outwardly extending flanges (36) having an end face (32) with a vertical central slot (16,34), and a plurality of connectors (14,52). The slots (16,34) are generally T-shaped with an enlarged interior track portion (40) and a reduced neck portion (38) and the connectors (14,52) are shaped to be received within the slots (16,34). The overhead beams (10), when positioned at an uppermost portion of the frame have slots (22) in a lowermost face thereof, see figure 1. In reference to claim 5, the beam (10), when position at a lower portion of the frame, has a slot (22) formed on the uppermost face, see figure 1. Regarding claims 23,24 and 45, DWILLIES also discloses the use of an "X-post" having four outwardly extending flanges and slots, see Figure 14E; and a "Y-post" having three outwardly extending flanges and slots, see Figure 14D. In reference to claims 25 and 26, the assembly of DWILLIES also includes a hanger slots (84) and a plurality of accessories (91) having hooks (92) for insertion into hanger slots (84).

6. Claims 1 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #3,513,606 to JONES. JONES discloses a furniture system including a plurality of overhead beams (36), a plurality of vertical posts (2) having outwardly extending flanges (FL) and an end face with a vertical central slot (3), and a plurality of connectors (4,40). The slots (3) are

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generally T-shaped with an enlarged interior track portion (IT) and a reduced neck portion (N) and the connectors (4,40) are shaped to be received within the slots (3). The overhead beams (36) have slots (37) in a lowermost face thereof, see attachment. Regarding claim 27, the vertical posts (20) include hollow bases (5) with adjustable leveling telescoping feet (F), see attachment.

Allowable Subject Matter

7. Claims 6-22,29 and 47-50 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


8. Claim 28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 30-44 remains allowable for the reasons indicated in the previous Official Action.

Response to Arguments

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.

YMH 
Art Unit 3635
January 26, 2003

May 26, 1970

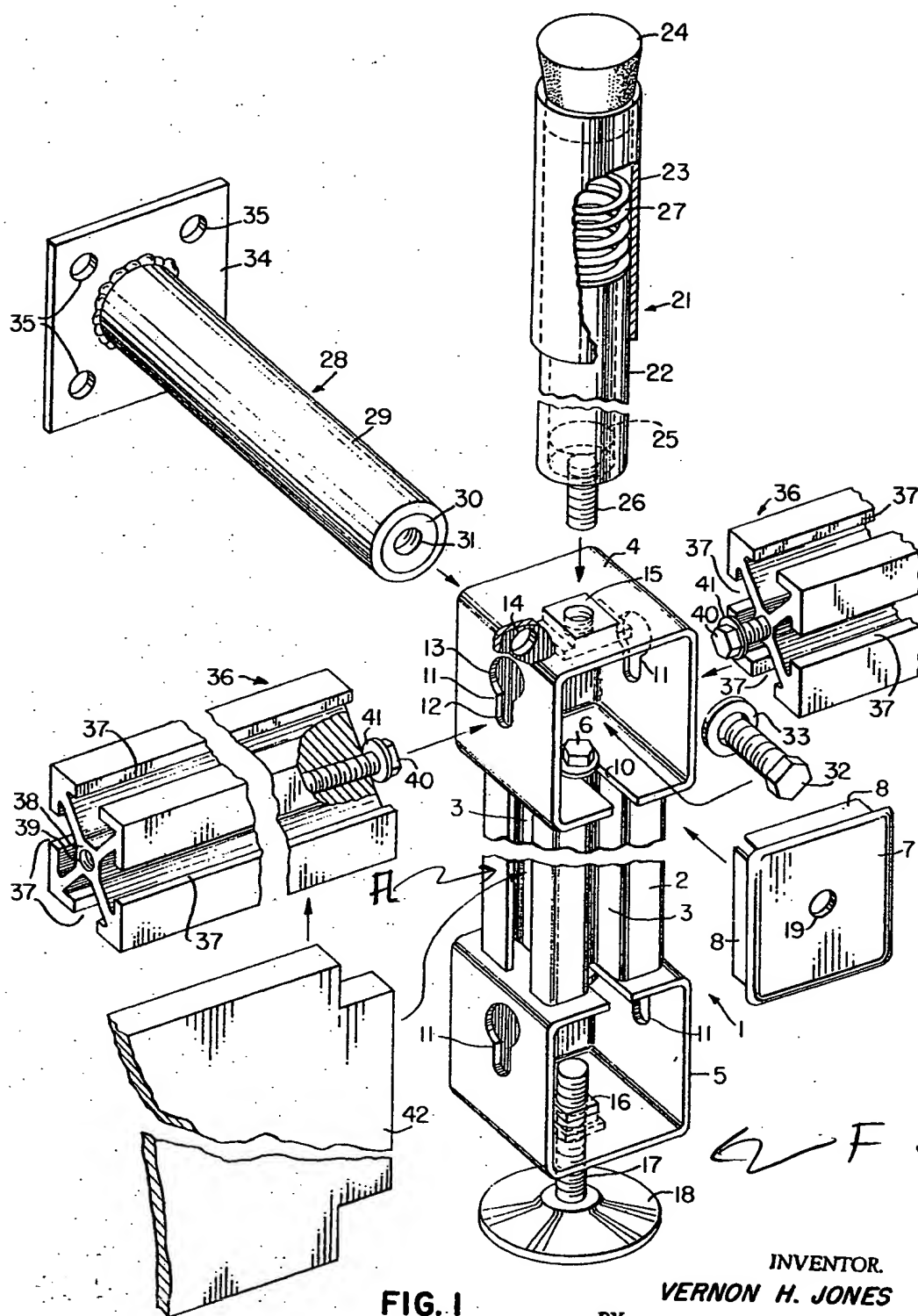
V. H. JONES

3,513,606

STRUCTURAL FRAMEWORK AND CONNECTOR JOINT THEREFOR

Filed Feb. 21, 1968

5 Sheets-Sheet 1



BY

INVENTOR
VERNON H. JONES

A. Milliken
ATTORNEY

May 26, 1970

V. H. JONES

3,513,606

STRUCTURAL FRAMEWORK AND CONNECTOR JOINT THEREFOR

Filed Feb. 21, 1968

5 Sheets-Sheet 4

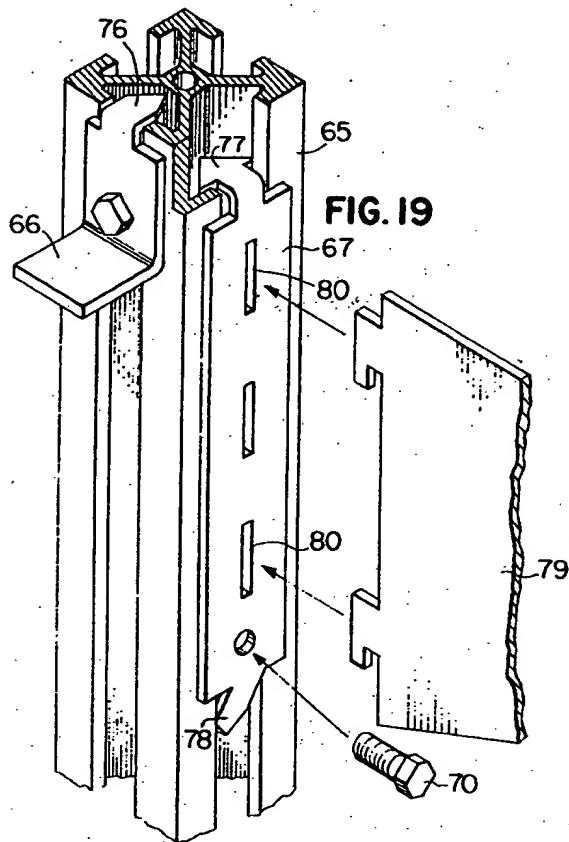


FIG. 19

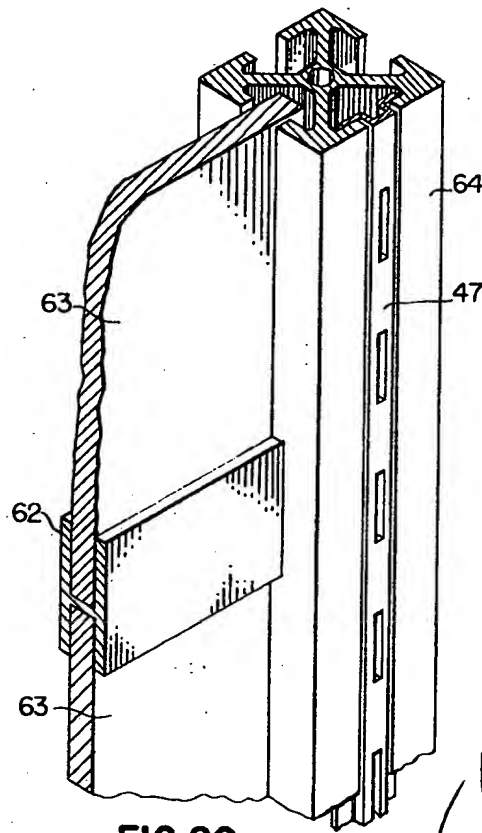


FIG. 20

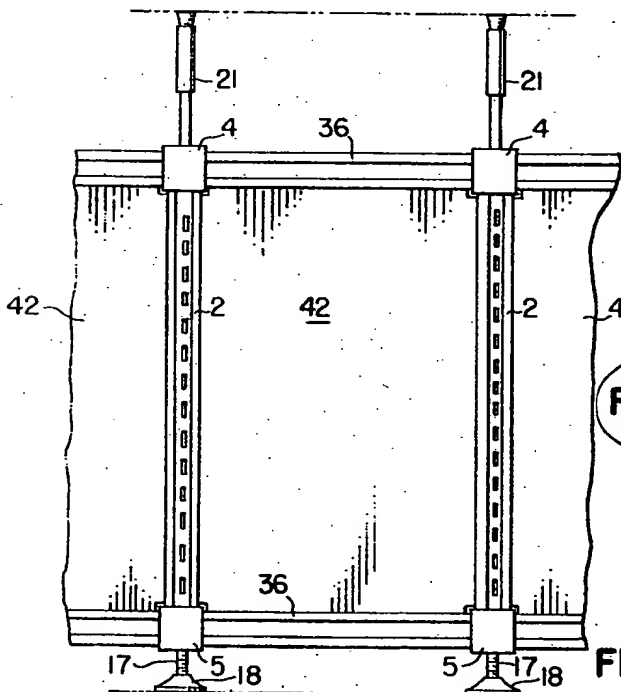


FIG. 21

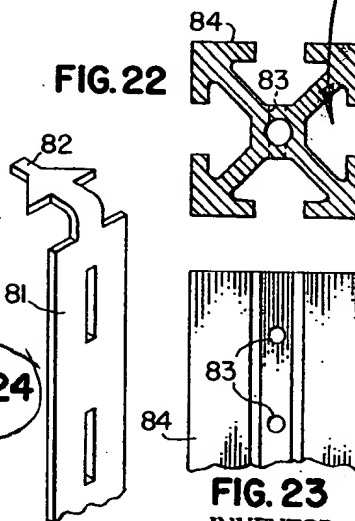


FIG. 22

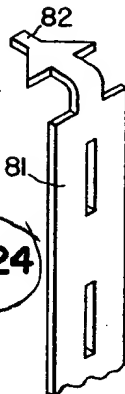


FIG. 23

INVENTOR.

VERNON H. JONES

BY

Amilliken
ATTORNEY